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NSW Department of Planning, Industry and Environment
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Attention: Minister for Planning and Public Open Spaces

RE: PLANNING SUBMISSION TO DRAFT MAMRE ROAD PRECINCT DEVELOPMENT CONTROL PLAN

PROPERTY AT: 919-929 MAMRE ROAD, KEMPS CREEK (LOT 35 DP 258414)

To whom it may concern,

This Planning Submission has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of the Proponent – Gaonor Pty Ltd (Gaonor), in relation to the Draft Mamre Road Precinct Development Control Plan (referred herein as the Draft DCP) (November, 2020). This Submission has focused on the potential impacts of the Draft DCP on the Subject Site – 919-929 Mamre Road, Kemps Creek (Lot 35 DP 258414).

Gaonor are the owner's of Dincel Construction System and are the inventors and the manufacturers of the world's first waterproof walling system utilised within the construction industry. It should be noted that the Subject Site was purchased for the purposes of creating a secondary Warehouse and Distribution Facility as a result of expanding their current operations.

The Draft DCP has been prepared pursuant to Section 3.43 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in order to provide objectives, controls and guidance to Proponents proposing to undertake development within the Mamre Road Precinct, for which the Draft DCP will guide the overall assessment of Development Applications. The Draft DCP should be read in conjunction with *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (SEPP WSEA), for which if there are any inconsistencies between the two (2), the SEPP would prevail.

The Draft DCP seeks to facilitate a controlled urban development outcome as envisaged by the Mamre Road Precinct Structure Plan, as well as ensuring all future Development Applications are in accordance with the water cycle management of the Mamre Road Precinct and accord with the local road network strategy for the wider Precinct, to ensure functional and cohesive Precinct Planning can occur.

Accordingly, all future Development Applications will be required to consider both local and cumulative impacts as a result of any proposal to ensure a coordinated and efficient development outcome can be achieved that is consistent with the relevant planning framework attributed to the Mamre Road Precinct.

The Structure Plan, as captured within both the Finalisation Report (June, 2020) for the Mamre Road Precinct and the Draft DCP is illustrated within **Figure 1** below.

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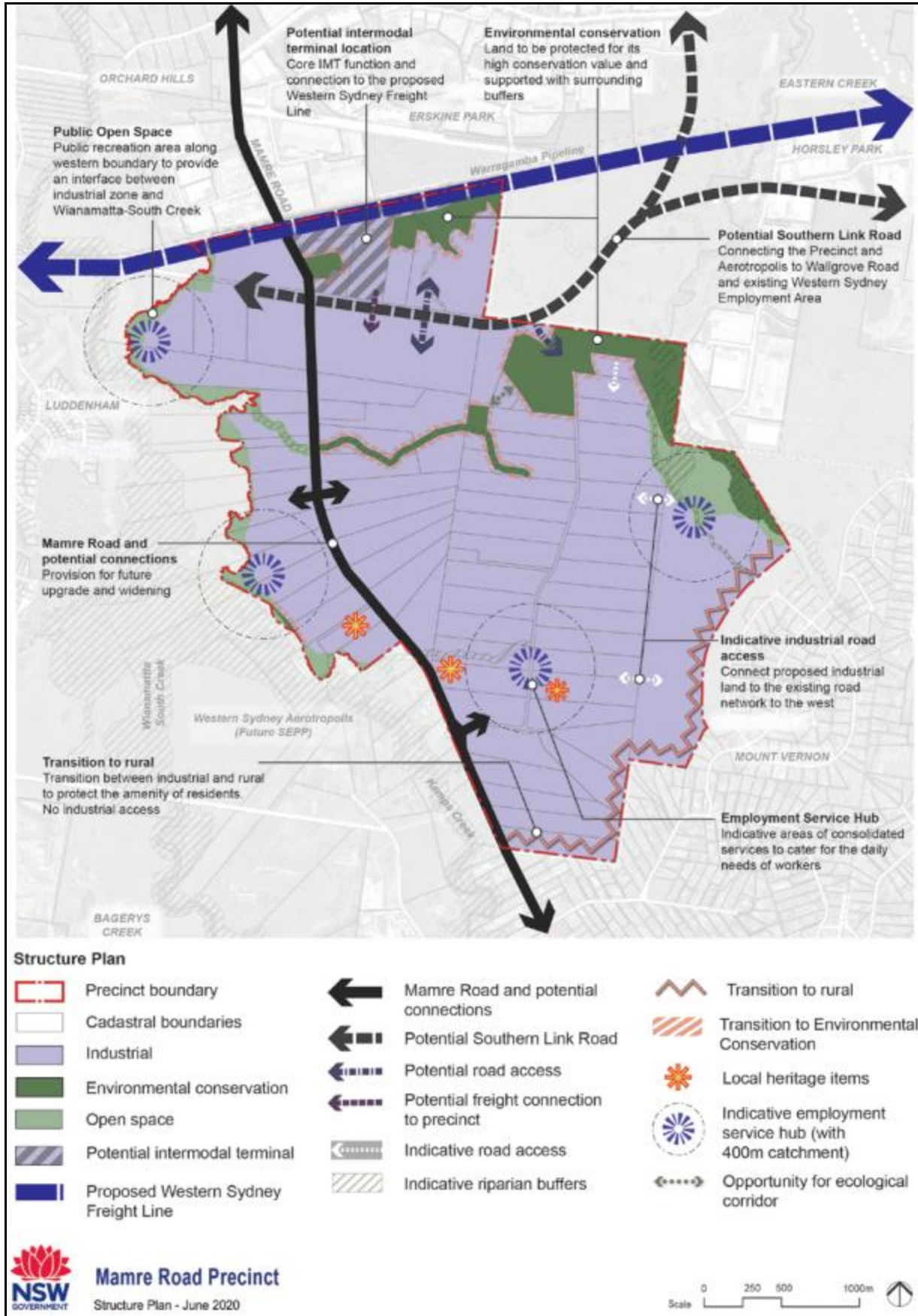


Figure 1 Mamre Road Precinct Structure Plan (Source: NSW DPIE, 2020)

In accordance with the Structure Plan, the Subject Site is identified as containing the following attributes:

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- Industrial zoned land – IN1 General Industrial zone pursuant to SEPP WSEA;
- Open Space – RE1 Public Recreation zone pursuant to SEPP WSEA;
- Borders Mamre Road – zoned SP2 Infrastructure;
- Local Heritage Item (Bayly Park – House) – identified pursuant to the *Penrith Local Environmental Plan 2010* (PLEP2010).

Our client (Gaonor), has consulted closely with the NSW Government and Penrith City Council in excess of four (4) years in relation to development on the Subject Site in order to facilitate an appropriate and satisfactory development outcome that will support the intended operations for the Site, which forms part of the wider Mamre Road Precinct. Our client is currently in the assessment process at the Local Government level pertaining to **DA20/0410**, which includes provisions that seek Development Consent for the operational use of the Site for the purposes of an at grade Warehousing and Storage Facility that supports an existing factory in Erskine Park.

Accordingly, this Submission focuses on the Draft DCP, including its envisaged development controls and outlines any potential impacts on the Subject Site requiring further consideration by the NSW DPIE prior to finalising the DCP. The key concerns with the Draft DCP are outlined below:

1. Section 2.2 of the Draft DCP includes consideration with respect to biodiversity throughout the Precinct, including methodology pertaining to biodiversity conservation; certification; and ongoing management of 'areas of high value biodiversity', including rehabilitation and management of recognised riparian corridors.

The Subject Site includes an area mapped under the Draft Mamre Road Precinct DCP as containing an area of high value biodiversity to the west of the Site, which corresponds with the RE1 Public Recreation zoned portion of the Subject Site (refer to **Figure 2** below). This area of mapped biodiversity is not considered to impact upon the future planning outcomes of the Site as there is no built form located within this portion of the Site. It is recommended that this area remain where it is, as there is no other additional biodiversity areas located on the Site requiring further consideration.

2. Section 2.3 of the Draft DCP outlines items of Non-Indigenous Heritage (European Heritage) throughout the Precinct, which requires due consideration with respect to any Development Applications being prepared and works being undertaken within the Precinct. The Subject Site has been mapped as containing a Heritage Item (Bayly Park – House) as identified in **Figure 3** below.

Our client recommends that further investigations be undertaken by the NSW DPIE to confirm whether the entire Subject Site is to be mapped as a Heritage Item of value or significance, or whether the curtilage should be refined to include only the cottage / house (Bayly Park – House) identified on the Subject Site. Historical information reveals that the current house may not be the original.

3. In order to facilitate ongoing development within the Precinct, the Precinct will have to be appropriately serviced to accommodate the future servicing requirements of the Precinct, including any industrial development. In accordance with **Figure 4** depicted below, the Subject Site is in close proximity to future infrastructure services upgrades, including an identified wastewater trunk main (mapped on the northern boundary), a water main (mapped on the eastern boundary), and a wastewater pump station mapped to the south of the Site.

Whilst the requirements for future servicing to facilitate appropriate development outcomes are not disputed, our client is keen to understand the implications of the servicing strategy on the Subject Site, as well as on the wider Precinct, including indicative timeframes for the upgrades to be completed, as well as any potential impacts to the Subject Site. In particular, some indication should be given as to what level of activity could in the interim operate without upgrades so that there is a staged development and infrastructure upgrades.

4. Under Section 3.2 of the Draft DCP, the carriageway traversing the northern boundary of the Subject Site has been identified as containing a 'precinct ridgeline / high points' (refer to **Figure 5**).

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Given the Site has been identified as a high point, it is expected that any future development proposed on the Site would be required to consider any potential visual amenity impacts on adjoining rural-residential development.

5. With Mamre Road being the primary Arterial Road providing access to the majority of the Mamre Road Precinct, the Draft DCP has developed a network map (refer to **Figure 6** below), which contains a hierarchical road network structure which has been stated as being capable of assisting in facilitating a fluid and transitional access route to respective sites throughout the wider Precinct, which will continue to support anticipated traffic volumes upon the Precinct being completely developed in the future.

Our client (Gaonor) supports the 'Optional Alternate Road Access' route (noted for further investigative studies). They also support the 'High Order Road' (North to South) – only up until the existing Right of Carriageway at the northern boundary of the Subject Site; however, they do not support the 'High Order Road' with the trajectory going from East to West of the Site. It is considered that further information is required to be provided with respect to the potential wastewater pump station proposed to the south of the Site and how it would function with the indicative 'High Order Road' running east to west, including any associated impacts on the Subject Site – reclamation of land etc..

Accordingly, there is also a 'Potential High Order Road Connection' running North to South, which the client is not amenable to, as the indicative road network (potential 30.2 m wide roads) would severely impact on the future development potential of the Subject Site as well as having significant ramifications on the Site's existing On-site Stormwater Detention (OSD) basin compromising the existing stormwater management outcomes for the Site. The impact would be to prevent the client's intention to expand its factory facilities onto this site to supplement the existing one at Erskine Park. At the moment it is used for storage which would also be impacted by a road through the site.

Either way the Potential High Order Road Connection would effectively limit the ability to continue to support or seek approval for a new factory that would ensure the land is used for manufacturing and thus job creation, not just storage.

6. With respect to Section 4.2.2, the Draft DCP proposes setbacks, for which the Subject Site is generally compliant with. The landscape buffers on the side setbacks are approximately 5 m, whereby they form part of the building setback for the Site. This is typical in industrially zoned land throughout the Sydney Metropolitan Region.
7. In accordance with the minimum landscaping requirements identified within Section 4.2.3 of the Draft DCP, the Subject Site can generally comply with the indicative minimum requirements. However, Controls 3 (40% of landscaping is to be canopy cover species) and 4 (15% site area is to be pervious) would require further consideration.

In relation to Control #4, it is recommended that flexibility be maintained in the DCP by permitting permeable paving surfaces but also contemplating that for some industrial uses, hardstand is required to make the Subject Site function. The Subject Site contains a large Storage Area surface, for which the fill material and aggregate utilised to seal the Storage Area has been strategically designed to appropriately compensate for stormwater runoff across the Site into the existing OSD basin and the closely linked bio-retention basin treating pollutants in accordance with Council's pollutant reduction targets, which achieve a satisfactory Water Sensitive Urban Design (WSUD) outcome. A large storage hardstand is required to service the nearby factory and to limit non-permeable surfaces without flexibility could prevent the area from encouraging and supporting employment purposes.

8. Whilst Section 4.2.5 recommends that external storage of goods is avoided, it does not expressly prohibit operational outcomes to exhibit storage-related functions. Storage of goods should be permitted where located away from the public domain. To not allow storage can deny the flexibility

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required in industrial precincts noting that the construction of a warehouse is not required in all circumstances (and can limit functionality for bulky or oversized items) and can be an expensive capital investment for storage of goods that can be placed or sorted outdoors. Storage should not be avoided in the DCP but rather the DCP should provide guidelines on how to visually treat or maintain the acoustic and visual amenity of surrounding rural-residential dwellings.

9. Controls 6 and 7 of Section 4.4.1 of the Draft DCP pertaining to retaining walls are not considered to be appropriate for the Subject Site, as the existing hardstand area and retaining wall design would not be able to facilitate an appropriate design outcome as intended by the draft Controls. The Subject Site contains existing and proposed (under **DA20/0410**) retaining walls, for which these controls cannot be complied with due to the steep transition in the gradient along the southern (particularly the southwestern) boundary of the Subject Site. The existing retaining walls are at suitable heights that integrate with the uneven topography of the Site, whilst encompassing a supportive landscaping setback to assist with runoff and transpiration of water through nutrient uplift.

Additionally, the retaining wall heights, should they be compliant with the draft DCP would form a contradicting element with respect to the indicative 'high order' road envisaged along the southern boundary of the Site. Should this road be implemented the Site would then be required to have retaining walls adjoining the road, for which a major portion of the Site would be lost and the business model severely compromised.

We consider the abovementioned items to be critical matters which the NSW DPIE must give due consideration before finalising the DCP. The matters are considered to be critical as they demonstrate potential impacts on the Subject Site in its current state; have potential impacts on **DA20/0410** currently being assessed by Penrith City Council; and have the ability to sterilise the Site (in relation to the indicative High Order Road Connection) in a way that would limit Gaonor from ever undertaking a future development expansion on the Subject Site by minimizing the net developable area of the Site.

Should you wish to discuss the matter further, please do not hesitate to contact the undersigned.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd
ACN 146 035 707

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ANNEXURE OF FIGURES

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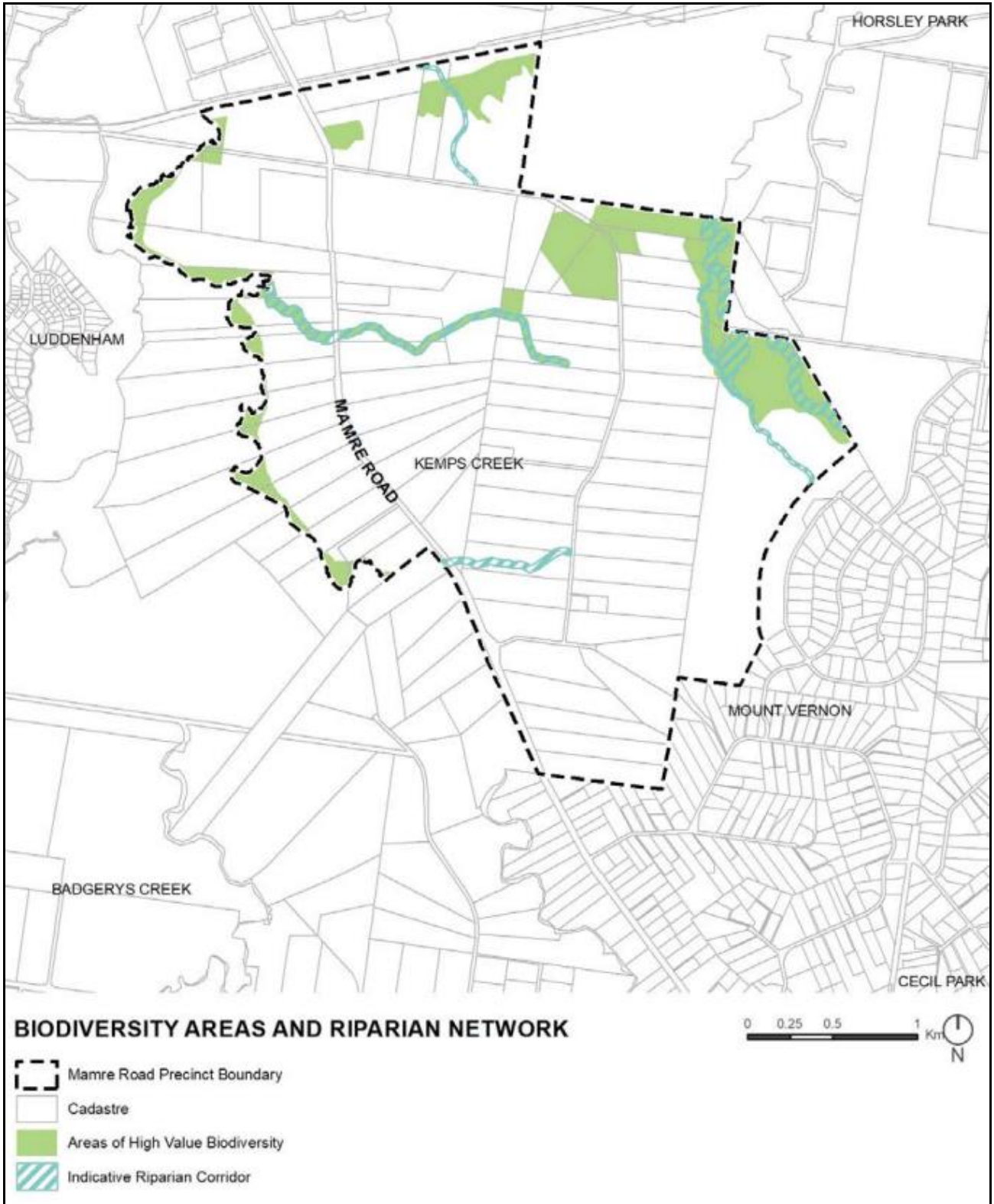


Figure 2 Biodiversity Areas and Riparian Network (Source: NSW DPIE, 2020)

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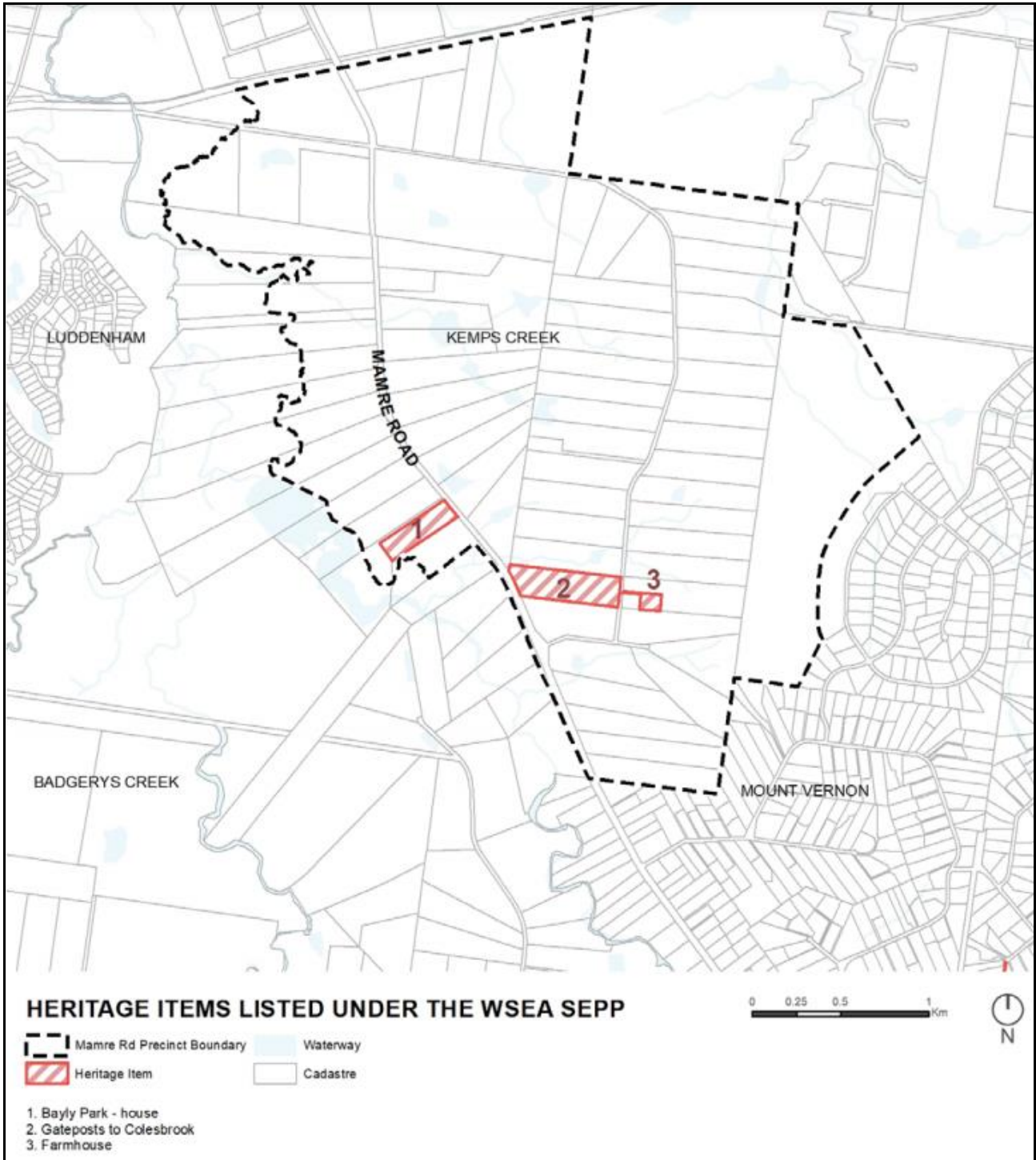


Figure 3 Non-Indigenous Heritage Items (Source: NSW DPIE, 2020)

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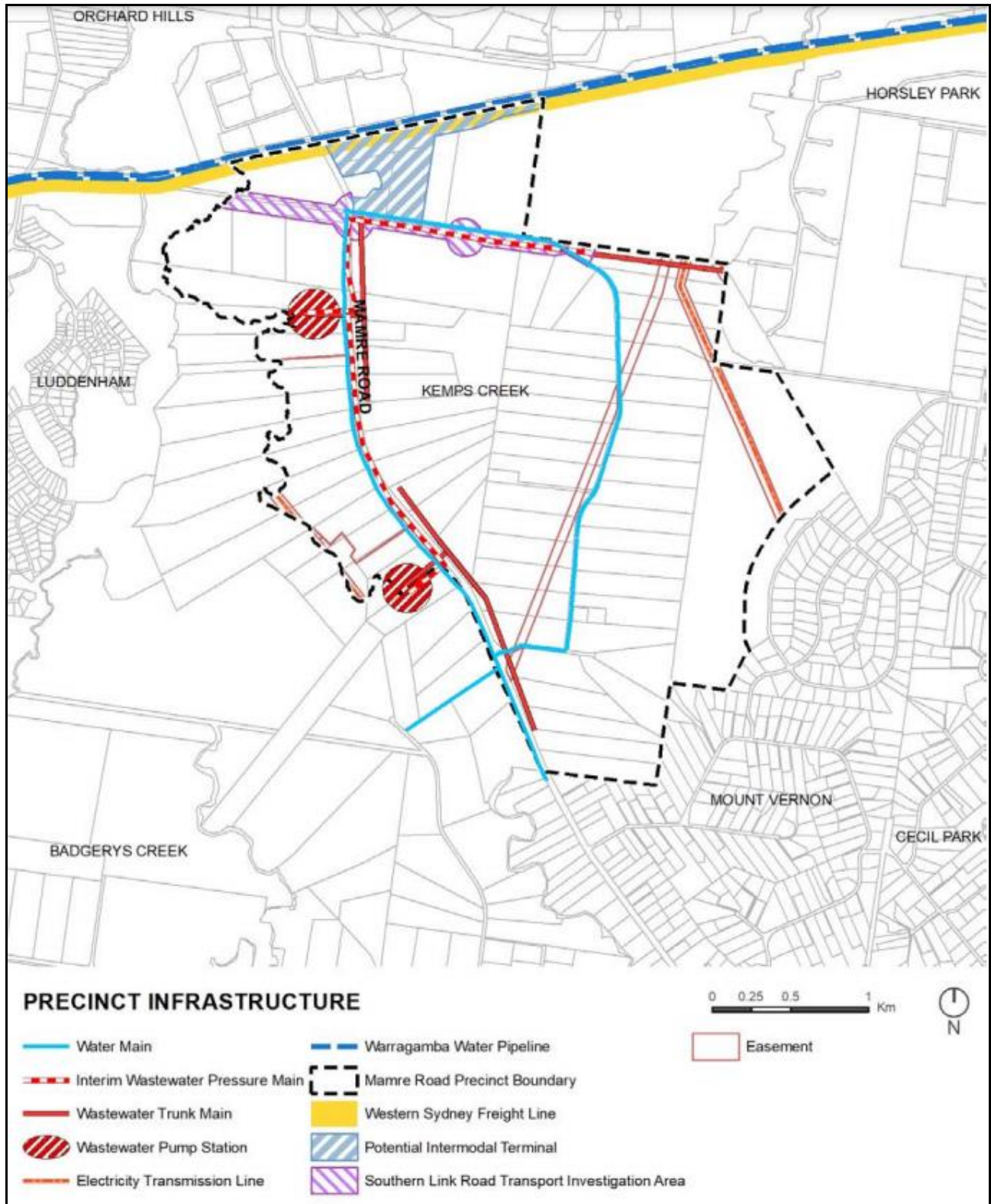


Figure 4 Proposed Precinct Infrastructure (Source: NSW DPIE, 2020)

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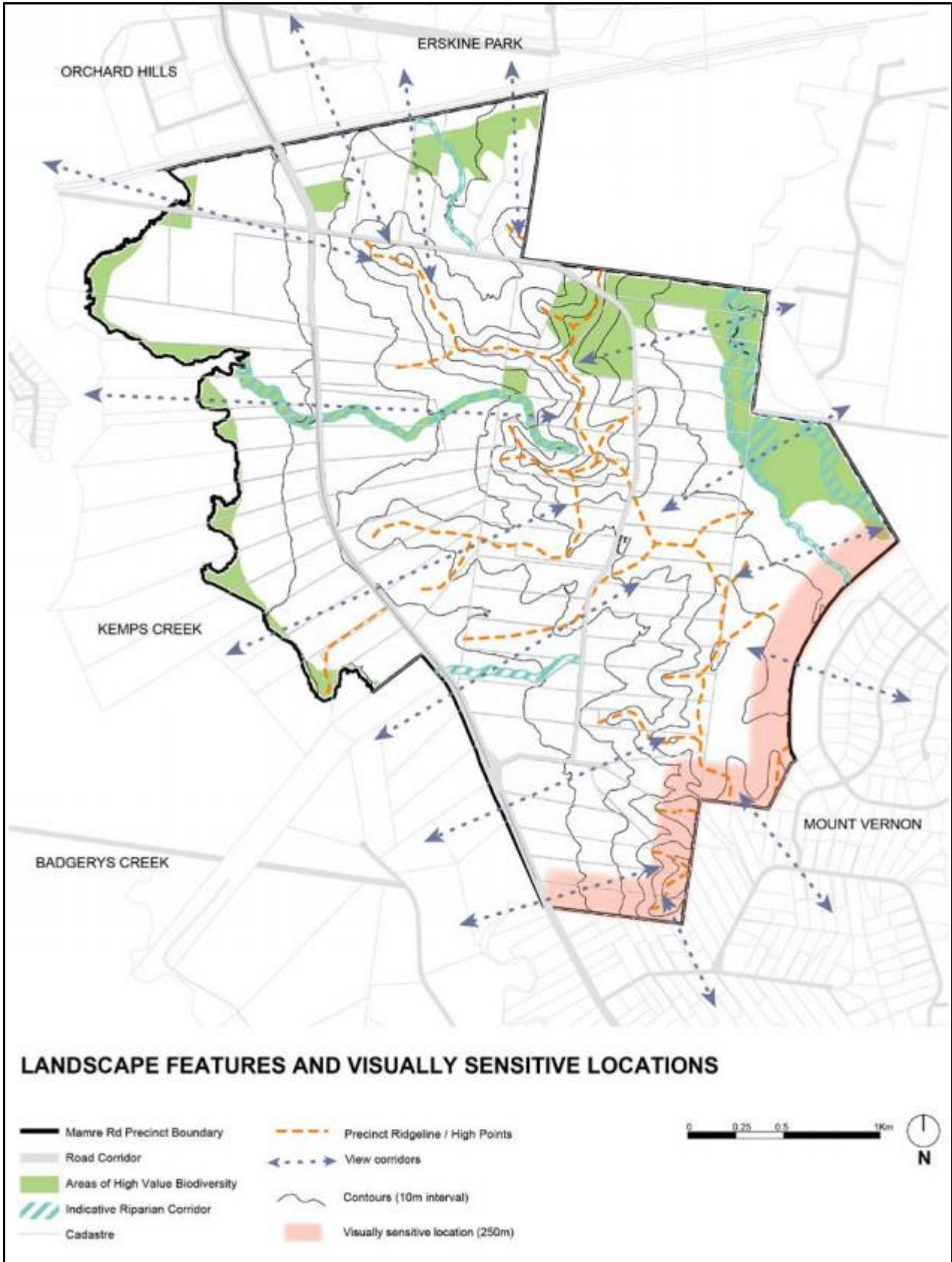


Figure 5 Landscape Features and Visually Sensitive Locations (Source: NSW DPIE, 2020)

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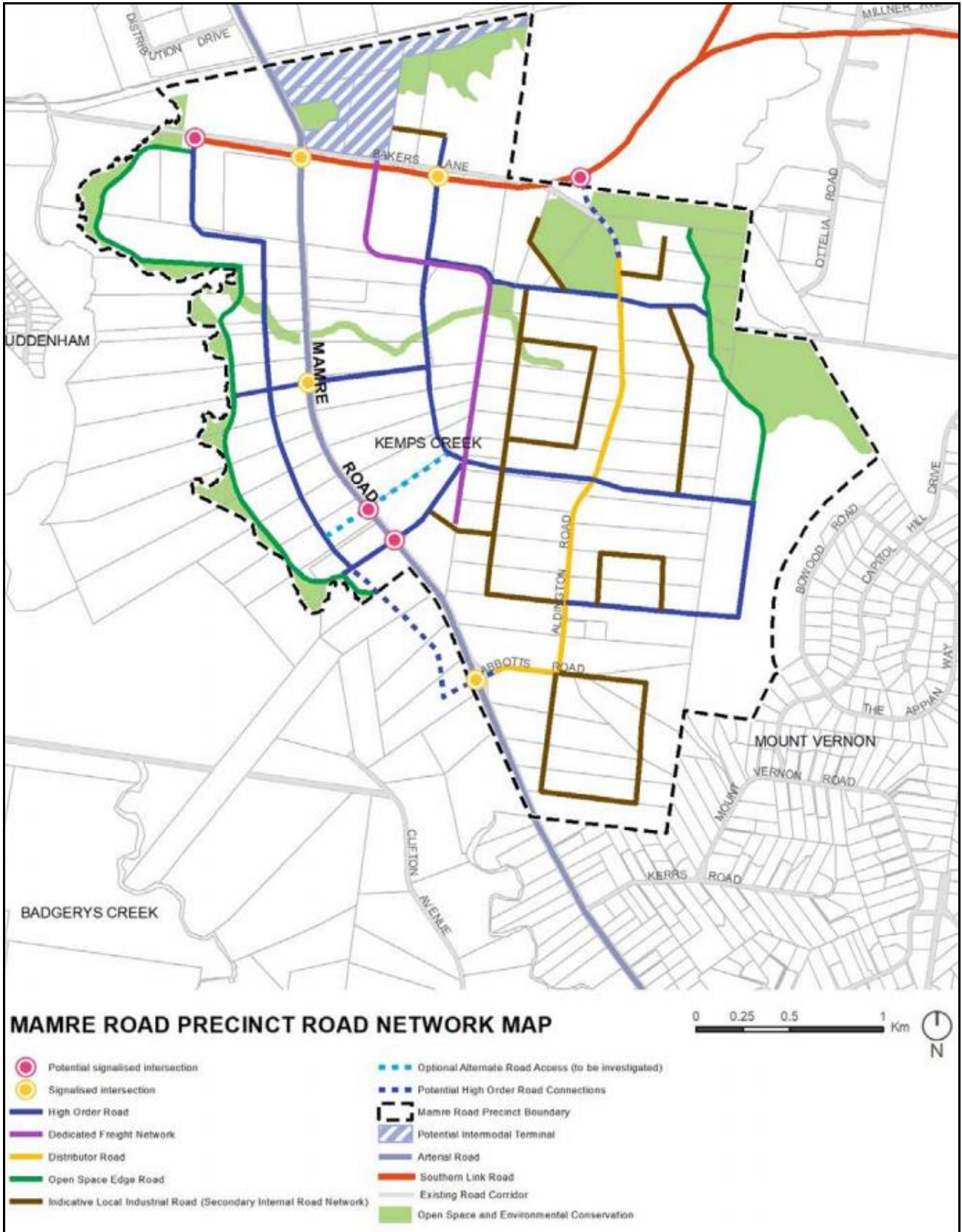


Figure 6 Precinct Road Network and Hierarchy (Source: NSW DPIE, 2020)